

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

SENTRY SELECT INSURANCE
COMPANY,

Plaintiff,

v.

NORCOLD, INC., et al.,

Defendants.

Case No. 1:21-cv-00521-JLT-SAB

ORDER GRANTING STIPULATED
MOTION TO MODIFY THE SCHEDULING
ORDER

(ECF No. 37)

This action was removed to this Court on March 29, 2021. (ECF Nos. 1, 2.) On May 27, 2021, a scheduling order issued (ECF No. 15), which has been modified five times by stipulation of the parties: on June 6, 2022, October 21, 2022, January 19, 2023, August 7, 2023, and December 15, 2023. (ECF Nos. 23, 25, 29, 32, 36.) The remaining deadlines are the pretrial conference currently set for March 11, 2024 at 1:30 p.m. in Courtroom 4, and trial currently set for May 7, 2024 at 8:30 a.m. in Courtroom 4. (ECF No. 36.)

On February 23, 2024, the parties filed a stipulated motion to continue the trial for sixty days until July 9, 2024, and a corresponding continuance of the pretrial conference. (ECF No. 37 at 3.) The parties proffer they are currently set for trial beginning on May 6, 2024 in a separate action pending in the North Dakota state court entitled Sentry Select Insurance Company v.

1 Norcold, Inc., et al., case no. 08-2020-CV-01921, South Central Judicial District Court, Burleigh
2 County, North Dakota. (Id. at 2.) The parties contend the action involves similar issues but arises
3 from a different incident at a different location. (Id.) The parties proffer that multiple witnesses,
4 including company representatives and expert witnesses, are expected to participate in both the
5 North Dakota state court trial and the trial in the instant action. (Id.) The parties anticipate that
6 continuing the trial date in this action will enable the parties to reduce the number of disputed
7 issues through the resolution of issues in North Dakota state court action. (Id.)

8 The parties also contend that they have coordinated a mediation with retired Solano
9 County Superior Court Judge Paul L. Beeman on April 11, 2024. (Id.) The Court notes that a
10 pending mediation that has yet to occur was the basis for the third, fourth, and fifth stipulated
11 requests to modify the scheduling order. (See ECF No. 29 at 2 (finding good cause to modify the
12 scheduling order in part because the parties agreed to a March 20, 2023 mediation); ECF No. 32
13 (finding good cause to modify the scheduling order because the mediation was continued to
14 September 28, 2023); ECF No. 36 (finding good cause to modify the scheduling order because
15 the parties agreed to a March 6, 2024 mediation with retired Solano County Superior Court Judge
16 Paul L. Beeman).)

17 Given the May 2024 trial currently set in the parallel North Dakota state court action and
18 the mediation currently set for April 11, 2024, the Court finds good cause to grant the parties'
19 stipulated motion to modify the scheduling order. While Rome was not built in a day, it was
20 eventually built. **No further extensions will be granted.**

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1 Based on the foregoing, IT IS HEREBY ORDERED that:

2 1. The parties' stipulation to modify the scheduling order is GRANTED, and the
3 scheduling order is modified as follows:

4 a. Pretrial Conference: **May 13, 2024 at 1:30 p.m. in Courtroom 4;**

5 b. Trial: **July 9, 2024 at 8:30 a.m. in Courtroom 4;** and

6 2. All other aspects of the scheduling order shall remain in effect.

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8 IT IS SO ORDERED.

9 Dated: **February 26, 2024**


UNITED STATES MAGISTRATE JUDGE